

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BERENICE BAUTISTA,

Plaintiff,

v.

CONCESIONARIA VUELA COMPAÑÍA
DE AVIACIÓN, S.A.P.I. DE C.V. D/B/A
VOLARIS AIRLINES,

Defendant.

C18-1463 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiff's motion for partial summary judgment, docket no. 26, is **DENIED**. Plaintiff has not established the requisite absence of any genuine dispute of material fact or entitlement to judgment as a matter of law. See Fed. R. Civ. P. 56(a).

(2) The parties' joint motion, docket no. 39, to continue the trial date and related deadlines for six months is **GRANTED** in part, and **DENIED** in part, as follows:

JURY TRIAL DATE (5 days)	May 10, 2021
Discovery motions filing deadline	December 3, 2020
Discovery completion deadline	January 19, 2021
Dispositive motions filing deadline	February 18, 2021

Deadline for filing motions related to expert testimony (<i>e.g.</i> , Daubert motions)	February 25, 2021 <i>But see</i> Paragraph 3
Motions in limine filing deadline	April 8, 2021
Agreed Pretrial Order due	April 23, 2021
Trial briefs, proposed voir dire questions, and jury instructions due	April 23, 2021
Pretrial conference	April 30, 2021 at 1:30 p.m.

The parties base their fourth request to alter the trial date in this matter on the need to conduct depositions of plaintiff (who resides in Washington), her family members and friends, and her medical providers, as well as members of defendant's flight crew. The parties indicate that some deponents are in Mexico, and that international travel has been and still is impeded by restrictions relating to Coronavirus Disease 2019 ("COVID-19"). Counsel have not, however, explained why they cannot proceed with depositions via a web-based video-conference platform (*e.g.*, Cisco WebEx, GoToMeeting, Microsoft Teams, Skype for Business, Zoom, etc.), telephone, or other remote means. *See* Fed. R. Civ. P. 30(b)(4). Assuming that the parties and counsel are technologically equipped to complete depositions remotely, the Court is satisfied that an approximately three-month continuance is sufficient. Given the realities of the COVID-19 crisis, the Court is not persuaded that the longer continuance sought by the parties would enable them to engage in face-to-face depositions.

(3) In this matter, the deadline for disclosure of expert testimony pursuant to Federal Rule of Civil Procedure 26(a)(2) expired on December 2, 2019, *see* Minute Order (docket no. 16), before the parties filed the first of their four motions to continue the trial date and related deadlines. *See* Stip. Mot. (docket no. 19) (filed Dec. 17, 2019). The deadline was not reset in the Minute Order entered December 18, 2019, docket no. 20, in the Minute Order entered April 24, 2020, docket no. 22, dealing with the second motion for continuance, or in the Minute Order entered April 28, 2020, docket no. 25, addressing the third motion to alter the trial date. The parties' motion for reconsideration, which is imbedded in their current motion for continuance and seeks to reset the expert disclosure deadline, is DENIED, but without prejudice to filing a stand-alone motion explaining why the parties ignored the deadline set by the Court, articulating the reason for failing to seek an extension of the deadline before it expired, *see* Local Civil Rule 7(j), setting forth with particularity the experts, if any, the parties wish to disclose, and indicating why the parties cannot proceed without the specific experts' testimony.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk